

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 17 February 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Davies, Dhillon, Edwards, Mrs Higgins Illingworth and Mobbs.

(Councillor Mobbs substituted for Councillor Rhead)

808. DECLARATIONS OF INTEREST

There were no declarations of interest.

809. MINUTES

The minutes of the meeting held on 28 January 2009 were confirmed as a correct record and signed by the Chairman.

810. 21 JACKSON GROVE, KENILWORTH

The Committee considered an application from Mr P Hendrick for the change of use of land to form part of residential cartilage.

This application was presented to Committee because an objection had been received from Kenilworth Town Council.

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

SC5 - Protecting Open Space (Warwick District Local Plan 1996 - 2011)

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the special circumstances of this case and the close proximity of alternative open space would mean that the loss of this area of open space to private garden would not cause unacceptable harm to the amenities of the area or the appearance of the street scene. The proposal was therefore considered to comply with the policies listed.

The following addressed the Committee:

Mr Johnson	Objector
Mr Hendrick	Applicant

Following consideration of the officers' report and presentation, along with representations by those who addressed the Committee, the Committee were of the opinion that the application should be refused, contrary to the officers' recommendation.

PLANNING COMMITTEE MINUTES (Continued)

The Committee were of the opinion that the application be refused contrary to the officers' recommendation in the report because the requirements of condition 8 of planning permission W961642 and policy SC5 had not been met and evidence had not been brought forward to justify current application.

RESOLVED that application W08/1591 be REFUSED, because the requirements of condition 8 of planning permission W961642 and policy SC5 have not been met and evidence has not been brought forward to justify current application.

811. SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD, SOLIHULL

This item was withdrawn from the agenda for further consultation.

812. PURBROOK, FIVE WAYS ROAD, SHREWLEY, WARWICK

The Committee considered an application from Mr S Williams for the demolition of an existing dwelling and the construction of new replacement dwelling.

The application was presented to the Committee because a request had been received from Councillor Mrs Gallagher.

The Head of Planning considered the following policy to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development should be refused because the site was situated within the Green Belt. The Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan and Planning Policy Guidance Note 2 stated that, within the Green Belt, the rural character of the area would be retained and protected.

Policy DAP1 of the Warwick District Local Plan 1996-2011 contained a general presumption against "inappropriate" development in Green Belt areas and listed specific forms of development which could be permitted in appropriate circumstances. The proposed development did not fall within any of the categories listed in the policy since it would be materially larger than the existing dwelling and would have a greater impact on the openness of the Green Belt and, in the Planning Authority's view, very special circumstances sufficient to justify departing from the development plan had not been demonstrated.

Policy DP1 of the Warwick District Local Plan 1996-2011 stated that development would only be permitted which positively contributed to the

PLANNING COMMITTEE MINUTES (Continued)

character and quality of its environment through good layout and design and required proposals to demonstrate, inter alia, that they reflected, respected and reinforce local architectural and historical distinctiveness. In the present case, it was considered that the design of the dwelling, in particular the roof pitch and the span of the timbered gable to the front, did not respect the traditional character of the area and, therefore, to grant consent would be contrary to the provisions of the Development Plan.

The following addressed the Committee:

Councillor Cook	Shrewley Parish Council (Supporting the application)
Mr Williams	Applicant
Councillor Mrs Gallagher	Ward Councillor (Supporting the application)

Following consideration of the officers' report and presentation, along with information set out within the addendum which detailed a letter of support from a second resident, and the representations by those who addressed the Committee, the Committee were of the opinion that the application should be granted, contrary to the officers' recommendation.

The Committee then adjourned at 7.25pm for 10 minutes to allow the Councillors who had voted in favour of granting the application to detail their reasons for doing so. The meeting reconvened at 7.35pm.

Contrary to the officers' recommendation in the report and notwithstanding the requirements of RAP3 with reference to the size of replacement dwelling within the green belt, exceptionally the Committee were of the opinion that the design and layout of this application was of sufficient quality that it would not have an adverse impact on the character and the openness of the local area. It would positively contribute to the local identity.

RESOLVED that application W09/0010 be GRANTED, subject to the conditions as set out in the approval for W08/0684 (but with approved plans condition relating to current scheme).

813. 86 COPPICE ROAD, WHITNASH

The Committee considered an application from Mr & Mrs Beaufoy for the erection of a dwarf brick wall with dome close board fence panels fronting Verdun Close to provide enlarged rear/side garden.

This application was presented to Committee because an objection had been received from Whitnash Town Council.

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING COMMITTEE MINUTES (Continued)

In the opinion of the Head of Planning, the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted, in accordance with the officers' recommendation.

RESOLVED that application W08/1631 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (drawing number 15493B-1 & additional front elevation plan)), and specification contained therein, submitted on 19 December 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) Prior to commencement of the development hereby permitted, a colour scheme for the fence shall be submitted to and approved in writing by the Local Planning Authority and the fence shall be painted in the approved colour and retained as such thereafter. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

814. 52 CHAPEL LANE, LAPWORTH, SOLIHULL

The Committee considered an application from C J Haughey for the erection of a single replacement dwelling and detached garage.

This application was presented to Committee because an objection had been received from Lapworth Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development was not materially larger than the existing dwelling and did not result in a greater impact on the character and openness of the rural area. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officers' recommendation.

RESOLVED that application W08/1740 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out in full and strictly in accordance with the details shown on the approved drawings 1707/24, /37, /38, /39, /40. and specification contained therein, submitted on 19 December 2008, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

1996-2011;

- (4) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (6) a hedge shall be planted along the road frontage, details of which shall previously have been submitted to and approved by the District Planning Authority, before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. In the event of any failures or loss through damage during the first five years after planting, the hedge shall be replaced, in whole or in part, at the next appropriate season. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies D1 and D2 of the Warwick District Local Plan 1996-2011; and
- (7) 10% renewable energy generated on site.

PLANNING COMMITTEE MINUTES (Continued)

815. LIDL SUPERMARKET, MYTON ROAD, LEAMINGTON SPA

The Committee considered an application from Lidl UK for an internally illuminated standard Lidl flagpole.

This application was presented to Committee because of the number of objections which had been received, as well as an objection from Warwick Town Council.

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of size or illumination which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officers' recommendation.

RESOLVED that application W08/1745 be GRANTED subject to the following conditions:

- (1) the maximum luminance of the illuminated sign shall not exceed 800 candellas per sq.m. at any time and glare shall not be created or light allowed to spill onto the public highway from this source. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (2) the sign shall not be illuminated at any other time than during the opening hours of the development to which it relates. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

816. VOODOO, 35 REGENT STREET, LEAMINGTON SPA

The Committee considered a report from the Head of Planning requesting enforcement action be authorised with regard to the installation of a retractable blind at Voodoo, 35 Regent Street, Leamington Spa.

PLANNING COMMITTEE MINUTES (Continued)

A report was submitted to this Committee on 19 September 2007 in relation to applications W07/1301 and W07/1303LB, for the retention of various external furniture fittings including several retractable blinds and a mural.

Following the publication of the report in the agenda, the applicant amended the application to omit the most prominent blind nearest to the junction of Windsor Street and Regent Street (which is the subject of this report); to omit the mural, and proposed the painting of the remaining blinds black.

The Committee agreed to grant consent for the remaining items and authorised enforcement action to require the removal of the blind (the subject of this report); the removal of the mural and to require the casing of the remaining blinds to be changed to black.

On 11 October 2007 an Enforcement Notice was served in accordance with that Committee decision.

An application for listed building consent [W07/1774LB] to retain the blind and mural was submitted on 22 October 2007. Consent was refused 17 December 2007 and a subsequent appeal was dismissed 17 November 2008.

Following the appeal decision, the blind and mural were removed from the premises in compliance with the Enforcement Notice but the blind had since been reinstalled.

The Head of Planning considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

Following consideration of the officers' report and presentation, the Committee were of the opinion that the enforcement action should be authorised in accordance with the officers' recommendation.

RESOLVED that appropriate enforcement action be authorised, directed at the permanent removal of the blind, with a compliance period of 1 month.

817. GOLDENACRE, STONELEIGH ROAD, BUBBENHALL, LEAMINGTON SPA

The Committee considered a report from the Head of Planning requesting enforcement action be authorised with regard to an unauthorised change of use of a residential dwelling house to a vehicle sales business and associated use of the land for the storage and display of vehicles for sale, at Goldacre, Stoneleigh Road, Bubbenhall, Leamington Spa.

In October 2008 it was brought to the attention of the Enforcement Section that commercial car sales were being undertaken from 'Golden Acre', Stoneleigh Road, Bubbenhall, Leamington Spa without the prior consent of the District Council.

PLANNING COMMITTEE MINUTES (Continued)

The site had been visited and it was noted that approximately 50 vehicles were being stored. Contact was made with the owner of the property, Mr Dhillon, who stated it was a temporary arrangement and he undertook to move the vehicles. The site was visited again in November 2008 when it appeared the use had ceased.

In January 2009 a further report had been received that car sales were again taking place and a site visit established that approximately 30 cars were on the site.

The enterprise concerned was the 'Golden Acre Car Company' whose web site advertises the details of the vehicles for sale. Whilst the web site did not give the site address, it provided contact telephone numbers and the majority of the cars advertised were the vehicles noted as being stored at the property.

There was an ongoing separate enforcement investigation relating to the raising of ground levels and the building of a boundary wall and entrance feature at the site.

Negotiations in relation to that matter were continuing and whilst it was connected to the use the subject of this report, it was being assessed in its own planning merits and if applicable would be the subject of a separate committee report.

The Head of Planning considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

Following consideration of the officers' report and presentation, along with information set out within the addendum which detailed the objection from the Highway Authority, the Committee were of the opinion that the enforcement action should be authorised in accordance with the officers' recommendation, and the compliance period be amended to one month.

RESOLVED that appropriate enforcement action be authorised to ensure that the use of the site for the storage, display and parking of vehicles for sale permanently ceases, with all hardcore associated therewith being removed and the land restored to its previous domestic use, with a compliance period of one month.

(The meeting ended at 8.45pm)